

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

CASE NO. 10CR3044 WQH

Plaintiff,

HUMBERTO MENDOZA-TORRES  
(31),

## ORDER

Defendant.

Hayes, Judge:

The matter before the court is the motion under 18 U.S.C. §3582(c)(2) for modification of sentence (ECF No. 2384) filed by Defendant.

On October 22, 2015, this Court entered the following order:

Amendment 782 to the United States Sentencing Guidelines, effective November 1, 2014, lowered the penalties for drug offenses by reducing the offense level in the § 2D1.1 Drug Quantity Table by two levels. In this case, Defendant was sentenced to serve a term of imprisonment for a violation of 18 U.S.C. § 1962(d) conspiracy to conduct enterprise through a pattern of racketeering activity. The guideline calculation was based upon U.S.S.G. § 2A4.1(a) conspiracy to kidnap. The record established that the sentence imposed was not based upon an amount of controlled substance that was affected by Amendment 782.

IT IS HEREBY ORDERED that the motion for reduction of sentence pursuant to 18 U.S.C. §3582(c)(2) Guideline Amendment 782 (ECF No. 2208) is denied.

(ECF No. 2247).

26 Defendant now moves the Court to apply the 2014 amendment retroactively and  
27 modify his sentence. This Court has fully considered a reduction of Defendant's  
28 sentence pursuant to Amendment 782 and 18 U.S.C. § 3582(c)(2). Defendant has cited

1 no authority which would permit this Court to modify the sentence imposed. *See* 18  
2 U.S.C. § 3582(c).

3 IT IS HEREBY ORDERED that motion under 18 U.S.C. §3582(c)(2) for  
4 modification of sentence (ECF No. 2384) is denied.

5 DATED: January 24, 2018

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7 **WILLIAM Q. HAYES**  
8 United States District Judge

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